

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MILDRED M. ACCOMANDO
2206 21st Street, Apt. 1,
Cuyahoga Falls, OH 44223,

Plaintiff,

vs.

WALMART, INC.
c/o Its statutory agent
CT Corporation System
4400 Easton Commons Way, #125
Columbus, OH 42319

and

WAL-MART REAL ESTATE BUSINESS
TRUST
c/o Its statutory agent
CT Corporation System
4400 Easton Commons Way, #125
Columbus, OH 42319

and

NATIONAL CONSTRUCTION RENTALS,
INC.
c/o Its statutory agent
Registered Agent Solutions, Inc.
4568 Mayfield Road, #204
Cleveland, OH 44121,

Defendants.

CASE NO. 5:22CV1353

JUDGE

**DEFENDANT WAL-MART STORES
EAST, LP'S NOTICE OF REMOVAL
TO FEDERAL COURT AND
SUPPORTING MEMORANDUM**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

1. Defendant Wal-Mart Stores East, LP, improperly designated in the Complaint as Walmart, Inc. and Wal-Mart Real Estate Business Trust (“Walmart”), is a Defendant in a civil action brought against it in the Court of Common Pleas for Summit County, Ohio, styled *Mildred M. Accomando v. Walmart, Inc., et al.*, Case No. CV-2022-07-2217. Copies of all process and pleadings in that action are attached hereto, pursuant to 28 U.S.C. §1446(A). See Exhibit A.
2. Defendant will file a copy of the Notice of Removal with the Clerk of Common Pleas Court of Summit County, Ohio immediately after filing hereof. See Exhibit B.
3. Said action was commenced by service of the Complaint on Walmart on June 30, 2022.
4. Plaintiff is a resident of the State of Ohio.
5. Walmart is a limited liability company organized, registered and existing under the laws of the State of Delaware and has its principal place of business in Arkansas.
6. National Construction Rentals, Inc. is a corporation organized, registered and existing under the laws of the State of California and has its principal place of business in California.
7. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.
8. Defendant National Construction Rentals, Inc. consents to the removal of this case to Federal Court.
9. Plaintiff demands judgment against Walmart in an amount in excess of \$25,000.00 plus punitive damages in excess of \$25,000.00. Plaintiff is alleging bodily injury to her left leg “causing pain and permanent damage,” medical expenses, hospital expenses, and future expenses.
10. Walmart has requested that Plaintiff stipulate that Plaintiff’s damages do not exceed \$75,000.00. However, Plaintiff has not agreed to any such stipulation. As such, it is Walmart’s good faith belief that the amount in controversy exceeds the jurisdictional amount of \$75,000.00,

exclusive of interest and costs, if all of its defenses fail and if Plaintiff proves all of the claimed damages as alleged in the Complaint.

11. This is a civil action brought in a state court in which the United States District Court has original jurisdiction because of diversity of citizenship, and Walmart is not a citizen of the State of Ohio, in which this action was brought.

12. Written notice of removal of this action has been given simultaneously herewith to Plaintiff's counsel and the Clerk of Courts for Summit County, Ohio.

WHEREFORE, Defendant Walmart Stores East, LP hereby removes this action from the Court of Common Pleas for Summit County, Ohio, to this Court, pursuant to 28 U.S.C. §1441.

Respectfully submitted,

/s/ Moriah K. Cheatham Williams

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ATTORNEYS FOR DEFENDANT
WAL-MART STORES EAST LP

PROOF OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served upon the following parties via the Court's electronic filing system this 1st day of August, 2022. Notice of this filing will be sent to all parties registered to receive service through the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system. Further, copies will be sent via U.S. Mail to unrepresented parties.

/s/ Moriah K. Cheatham Williams

Bradley A. Wright

Moriah K. Cheatham Williams

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